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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/771,923

02/04/2004

Gerd Wilsdorf

2001P16031WOUS

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12/01/2006

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

PASCHALL, MARK H

ART UNIT

PAPER NUMBER

3742

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/771,923

Applicant(s)

WILSDORF, GERD

Examiner

Mark H. Paschall

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-20, 22-28, 30 is/are rejected.
- 7) ☒ Claim(s) 21 and 29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Continued Prosecution Application

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13-15,18-20,22-25,28 and 30 are is rejected under 35 U.S.C. 103(a) as being unpatentable over UK 436' in view of Clark et al 6,497,276 and Ep 156,717. Uk teaches the claimed invention, and as modified by EP for the reasons set forth in page 3 in the office action of 03-25-2005, use of a substantially linear display is conventional and not patentably limiting. The patent to Clark et al is applied for showing that an oven controller and display can be used in combination with a cooling phase in addition to the heating phase, an gives the benefit of a more versatile device. In view of this teaching it would have been obvious to modify the Uk device to also include a cooling phase, to attain a more versatile device to be used in cooking modes that have a cooling phase. As per claim 15 and 19 it is considered an obvious design choice to use a pulsating arrow in the display, the choice of display characters dependent on the end use of the device, and not patentably limiting. Use of a residual heat indicator after chamber use as in claim 24 is considered obvious to the artisan, residual heat commonly recognized as present after cooking cycles have ended.

Claims 16,17,26,27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uk in view of Clark et al and Ep as applied to claims 13-15,18,20-23,25,28,30 above, and further in view of Codomo et al. The use of intensity dependent display structure, as set forth in these claims is considered unpatentable for the reasons set forth in the rejection on pages 3 and 4 in the office action mailed on 03-25-2005.

Response to Arguments

Applicant's arguments filed 04-17-2006 have been fully considered but they are not persuasive. Applicants remarks advance that Uk 436' fails to teach the cooking device of claim 13 which displays the different operating modes of the cooking device and the on and on off modes of the chamber. The patent to Clark et al has been presented for showing the conventionality of both heating and cooling phases in oven controllers . in contrast to Applicant's remarks setting forth that the cooking modes are not displayed on the modified controller, the present cooking modes are displayed on the Uk system, the absence or presence of the display mode would indicate on/off modes of cooking.

Allowable Subject Matter


Claims 21 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach the claimed width of the display relative to the chamber door.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark H. Paschall whose telephone number is 703 308-1642. The examiner can normally be reached on 7am - 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Mark H Paschall
Primary Examiner
Art Unit 3742